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**FROM:** Terry W. Kramer  
KRAMER & AMADO, P.C.

**DATE:** March 28, 2008

**SUBJECT:** U.S. Patent Application  
Title: METHOD AND APPARATUS FOR SECURELY  
ESTABLISHING L3-SVC CONNECTIONS  
Serial No.: 10/814,330  
Attorney Docket No.: ALC 3124

**PAGES:** INCLUDING COVER PAGE (23)

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MAR 28 2008

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Total Number of Pages in This Submission

23

Application Number 10/814,330

Filing Date April 1, 2004

First Named Inventor Carl Rajsic

Art Unit 2619

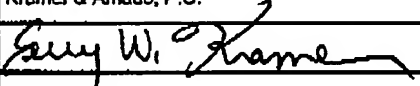
Examiner Name Michael J. Moore, Jr.

Attorney Docket Number ALC 3124

**ENCLOSURES** (Check all that apply)

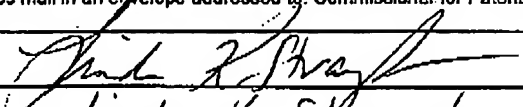
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Kramer & Amado, P.C.		
Signature			
Printed name	Terry W. Kramer		
Date	March 28, 2008	Reg. No.	41,541

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Typed or printed name	Linda K. Strough	Date	3/28/08

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 510.00

**Complete if Known**

Application Number	10/814,330
Filing Date	April 1, 2004
First Named Inventor	Carl Rajsic
Examiner Name	Michael J. Moore, Jr.
Art Unit	2619
Attorney Docket No.	ALC 3124

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 500578 Deposit Account Name: Terry W. Kramer

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)  
Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
210	105
370	185

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

03/31/2008 VBUI11 00000017 10014330

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510.00 OP

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 100 =	/ 50 =	(round up to a whole number) x	=	
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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

Fees Paid (\$)

\$510.00

**SUBMITTED BY**

Signature	Terry W. Kramer	Registration No. (Attorney/Agent)	41,541	Telephone	703-519-9801
Name (Print/Type)	Terry W. Kramer			Date	March 28, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**MAR 28 2008****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Carl Rajsic  
For : METHOD AND APPARATUS FOR  
SECURELY ESTABLISHING L3-SVC  
CONNECTIONS  
Serial No.: : 10/814,330  
Filed : April 1, 2004  
Art Unit : 2619  
Examiner : Michael J. Moore, Jr.  
Att. Docket : ALC 3124  
Confirmation No. : 5344

**APPEAL BRIEF**

Mail Stop Appeal Brief Patents  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed herewith.

**I. REAL PARTY IN INTEREST**

The party in interest is ALCATEL, by way of an Assignment recorded at Reel 015165, frame 0097.

**MAR 28 2008**Application No: 10/814,330  
Attorney's Docket No: ALC 3124**II. RELATED APPEALS AND INTERFERENCES**

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

NONE.

**III. STATUS OF CLAIMS**

Claims 1-13 are on appeal.

Claims 1-13 are pending.

No claims are allowed.

Claims 1-13 are rejected.

**IV. STATUS OF AMENDMENTS**

All Amendments have been entered.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The subject matter recited in claim 1 relates to a method of establishing a secure Layer-3 connection across an ATM network (see [12]; Fig. 1), the Layer-3 connection having a first endpoint (see [14]; Fig. 1) at an egress port (see [16]; Fig. 1) of an originating multiservice switch (MSS) (see [18]; Fig. 1) and a second endpoint (see [20]; Fig. 1) at an ingress port (see [22]; Fig. 1) of a

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terminating MSS (see [24]; Fig. 1), the method comprising the steps of configuring the terminating MSS (see [24]; Fig. 1) with anticipated security information; at the originating MSS (see [18]; Fig. 1), generating a setup message including embedded security information; sending the setup message to the terminating MSS (see [24]; Fig. 1); at the terminating MSS (see [24]; Fig. 1), extracting the embedded security information from the setup message; determining whether the embedded security information matches the anticipated security information; and if the embedded security information matches the anticipated security information, establishing the Layer-3 connection.

The subject matter recited in claim 10 relates to an originating multiservice switch (MSS) for establishing a secure Layer-3 connection across an ATM network (see [12]; Fig. 1) to a terminating MSS (see [24]; Fig. 1), comprising a call control for generating a Layer-3 connection setup message including embedded security information, and for sending the setup message to the terminating MSS (see [24]; Fig. 1), wherein the embedded security information is compared with anticipated security information at the terminating MSS (see [24]; Fig. 1).

The subject matter recited in claim 11 relates to a computer-readable medium encoded with a computer program, the computer program comprising: instructions for generating a Layer-3 connection setup message to be sent from an originating multiservice switch (MSS) (see [18]; Fig. 1) to a terminating MSS (see [24]; Fig. 1); and instructions for embedding security information within the setup message, the security information compared with anticipated security information at the terminating MSS (see [24]; Fig. 1).

The subject matter recited in claim 12 relates to a terminating multiservice switch (MSS) (see [24]; Fig. 1) for establishing a secure Layer-3 connection across an ATM network (see [12]; Fig. 1)

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from an originating MSS (see [18]; Fig. 1), comprising: stored anticipated security information; means for querying a comparator of two pieces of security information (see [86]; Fig. 3); and a call controller for receiving a Layer-3 connection setup message, for extracting embedded security information from the setup message (see [90]; Fig. 3), for querying the comparator to determine whether the embedded security information corresponds to the anticipated security information, and for establishing the Layer-3 connection in the event that the embedded security information corresponds to the anticipated security information.

The subject matter recited in claim 13 relates to a computer-readable medium encoded with a computer program, the computer program comprising: instructions for receiving a Layer-3 connection setup message received from an originating multiservice switch (see [18]; Fig. 1); instructions for extracting embedded security information from the setup message; instructions for retrieving anticipated security information (see [136]; Fig. 5); instructions for determining whether the embedded security information corresponds to the anticipated security information (see [140]; Fig. 5); and instructions for establishing a Layer-3 connection in the event that the embedded security information corresponds to the anticipated security information (see [142]; Fig. 5).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The following grounds of rejection are presented for review:

A. Claims 1, 4, 5, 7, and 9-13 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,130,393 to Hall, Jr. et al. (hereinafter "Hall").

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B. Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall in view of U.S. Published Application No. 2002/0064159 to Shirakawa (hereinafter "Shirakawa").

C. Claims 6 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall in view of U.S. Patent No. 6,757,278 to Bi et al. (hereinafter "Bi").

## VII. ARGUMENT

### A. Rejection of Claims 1, 4, 5, 7, and 9-13 Under 35 U.S.C. § 102(e)

In section 3 on pages 2-8, the Final Office Action, dated January 8, 2008, rejects claims 1, 4, 5, 7, and 9-13 under 35 U.S.C. § 102(e) as allegedly being anticipated by Hall.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ.2d 1566 (Fed. Cir. 1990).



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### 1. Claim 1

Independent claim 1 recites a step of "configuring the terminating MSS with anticipated security information" (emphasis added). As disclosed in paragraph [17] of the specification, the terminating MSS 24 is configured with anticipated security information before establishment of a secure Layer-3 SPVC is attempted. This security information is related in the configuration to a call setup scenario.

With respect to the above-quoted subject matter, page 3 of the Office Action relies upon lines 57-59 in column 19 in Hall. The Office Action alleges that closed user group identifiers correspond to the above quoted subject matter. Page 10 of the Office Action further alleges that these identifiers can be considered "anticipated security information" because a calling party closed user group identifier corresponding to a called party closed user group identifier is expected to be found in order to establish a connection, referring to lines 1-22 of column 20 in Hall.

However, Hall clearly does not select only "anticipated" closed user group identifiers. As recited on lines 48-50 of column 19, all closed group identifiers for the calling party, or calling user, are retrieved. Thus, Hall cannot select only a subset of the identifiers based upon whether they are "anticipated" to correspond to security information.

Moreover, Hall does not "configure" a terminating MSS with anticipated security information. Page 10 of the Office Action alleges that MSCP 44 in Hall is equivalent to the claimed terminating MSS. However, Hall is silent regarding any configuration of MSCP 44 with anticipated security information. Instead, as depicted in Fig. 5, Hall's method includes steps of

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retrieving all CUG identifiers associated with both the calling [504] and called [506] parties. Thus, Hall does not configure a terminating MSS with anticipated security information.

Accordingly, Hall does not disclose, teach, or suggest the step of "configuring the terminating MSS with anticipated security information," as recited in claim 1.

For at least the forgoing reasons, claim 1 is patentable over Hall because Hall fails to disclose, teach, or suggest each and every element recited in claim 1.

## **2. Claims 10, 11, and 13**

Independent claims 10 and 11 recite "embedded security information "compared with anticipated security information at the terminating MSS" (emphasis added). Independent claim 13 determines "whether the embedded security information corresponds to the anticipated security information," (emphasis added). As disclosed in paragraph [24] of the specification, the call controller sends the embedded security information and the anticipated security information to the comparator. The comparator then compares the two sets of security information and returns a comparison result to the call controller.

Page 3 of the Office Action alleges that step 508 of Fig. 5 in Hall anticipates the above-quoted subject matter. The Office Action also refers to determination of whether a closed user group identifier (security information) that is common (match) to both the calling and called parties, as recited in lines 1-22 of column 20 in Hall.

However, step 508 of Fig. 5 clearly does not involve a comparison of anticipated and embedded security information. Instead, it is evident that Hall retrieves all CUG identifiers associated with both the calling and called parties. Thus, rather than efficiently comparing only

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Attorney's Docket No: ALC 3124

anticipated security information to retrieved embedded security information, Hall inefficiently compares all security information, because Hall's system lacks a terminating MSS that is configured to anticipate which security information may be embedded in a future call.

Accordingly, Hall does not disclose, teach, or suggest either comparing embedded security information to "anticipated security information at the terminating MSS," as recited in claims 10 and 11, or whether it "corresponds to the anticipated security information," as recited in claim 13.

For at least the forgoing reasons, claims 10, 11, and 13 are patentable over Hall because Hall fails to disclose, teach, or suggest each and every element recited in claims 10, 11, and 13.

### 3. Claim 12

Independent claim 12 recites "a terminating multiservice switch (MSS) . . . comprising: stored anticipated security information" (emphasis added). As disclosed in paragraph [17] of the specification, the terminating MSS 24 is configured with anticipated security information before establishment of a secure Layer-3 SPVC is attempted. This security information is related in the configuration to a call setup scenario.

With respect to the above-quoted subject matter, page 6 of the Office Action relies upon lines 57-59 in column 19 in Hall. The Office Action also alleges that closed user group identifiers correspond to the above quoted subject matter. Page 10 of the Office Action further alleges that these identifiers can be considered "anticipated security information" because a calling party closed user group identifier corresponding to a called party closed user group identifier is expected to be found in order to establish a connection, referring to lines 1-22 of column 20 in Hall.

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However, Hall clearly does not select only "anticipated" closed user group identifiers. As recited on lines 48-50 of column 19, all closed group identifiers for the calling party, or calling user, are retrieved. Thus, Hall cannot select only a subset of the identifiers based upon whether they are "anticipated" to correspond to security information.

Moreover, Hall does not "configure" a terminating MSS with anticipated security information. Page 10 of the Office Action alleges that MSCP 44 in Hall is equivalent to the claimed terminating MSS. However, Hall is silent regarding any configuration of MSCP 44 with anticipated security information. Instead, as depicted in Fig. 5, Hall's method includes steps of retrieving all CUG identifiers associated with both the calling [504] and called [506] parties. Thus, Hall does not configure a terminating MSS with anticipated security information.

Accordingly, Hall does not disclose, teach, or suggest "stored anticipated security information," as recited in claim 12.

For at least the forgoing reasons, claim 12 is patentable over Hall because Hall fails to disclose, teach, or suggest each and every element recited in claim 12.

#### 4. Claim 4

Claim 4 depends from claim 1 and is therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter described in detail below.

Claim 4 recites "wherein the embedded security information and the anticipated security information are Closed User Group Interlock Codes" (emphasis added). As disclosed in paragraph

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[14] of the specification, the setup message includes security information, such as a Closed User Group (CUG) Interlock Code (IC).

Page 4 of the Office Action alleges that the above-quoted subject matter is anticipated by the calling party and called party closed used group identifiers, referring to lines 48-56 of column 19 in Hall. The Office Action is silent regarding interlock codes.

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 1996); *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

In this case, it is evident that Hall teaches away from the use of interlock codes. First, on lines 36-48 of column 3, Hall teaches that interlock codes are not defined. Second, on lines 20-22 of column, Hall's invention is defined as having the capability to provide closed user groups with VtoA without using an interlocking code. Third, on lines 34-36 of column 19, Hall recites advanced closed user group functionality, without the need or requirement of an interlocking code. Thus, it is clearly erroneous for the Office Action to allege that Hall's closed user groups use interlock codes.

Accordingly, Hall does not disclose, teach, or suggest "wherein the embedded security information and the anticipated security information are Closed User Group Interlock Codes," as recited in claim 4.

For at least the forgoing reasons, claim 4 is patentable over Hall because Hall fails to disclose, teach, or suggest each and every element recited in claim 4.

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**5. Claims 5, 7, and 9**

Claims 5, 7, and 9 depend from claim 1 and are therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter recited therein.

**B. Rejection of Claims 2 and 3 Under 35 U.S.C. § 103(a)**

In section 5 on pages 8-9, the Final Office Action, dated January 8, 2008, rejects claims 2 and 3 under 35 U.S.C. § 103(a) as allegedly being anticipated by Hall in view of Shirakawa.

Claims 2 and 3 depend from claim 1 and are therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter recited therein. Shirakawa fails to remedy the deficiencies of Hall discussed above in connection with the rejection of claim 1.

**C. Rejection of Claims 6 and 8 Under 35 U.S.C. § 103(a)**

In section 6 on page 9, the Final Office Action, dated January 8, 2008, rejects claims 6 and 8 under 35 U.S.C. § 103(a) as allegedly being anticipated by Hall in view of Bi.

Claims 6 and 8 depend from claim 1 and are therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter recited therein. Bi fails to remedy the deficiencies of Hall.

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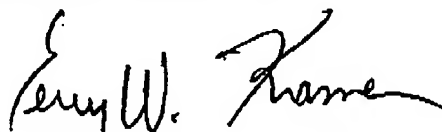
Application No: 10/814,330

Attorney's Docket No: ALC 3124

**CONCLUSION**

For at least the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-13 are in condition for allowance. For at least the above reasons, Appellants respectfully request that this Honorable Board reverse the rejections of claims 1-13.

Respectfully submitted,  
KRAMER & AMADO, P.C.

March 28, 2008

Date

Terry W. Kramer  
Reg. No. 41,541

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Application No: 10/814,330  
Attorney's Docket No: ALC 3124

## VIII. CLAIMS APPENDIX

### CLAIMS INVOLVED IN THE APPEAL:

1. (Original) A method of establishing a secure Layer-3 connection across an ATM network, the Layer-3 connection having a first endpoint at an egress port of an originating multiservice switch (MSS) and a second endpoint at an ingress port of a terminating MSS, the method comprising the steps of:

configuring the terminating MSS with anticipated security information;

at the originating MSS, generating a setup message including embedded security information;

sending the setup message to the terminating MSS;

at the terminating MSS, extracting the embedded security information from the setup message;

determining whether the embedded security information matches the anticipated security information; and

if the embedded security information matches the anticipated security information, establishing the Layer-3 connection.

2. (Original) The method of claim 1 wherein the Layer-3 connection is a Soft Permanent Virtual Circuit, and wherein the embedded security information and the anticipated security information are associated with the first endpoint.



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3. (Original) The method of claim 1 wherein the Layer-3 connection is a Soft Permanent Virtual Circuit, and wherein the embedded security information and the anticipated security information are associated with the second endpoint.
4. (Original) The method of claim 1 wherein the embedded security information and the anticipated security information are Closed User Group Interlock Codes.
5. (Original) The method of claim 1 wherein the Layer-3 connection is established by an originating user belonging to a configured set of originating users, and wherein the embedded security information and the anticipated security information are associated with the configured set of originating users.
6. (Original) The method of claim 1 wherein the Layer-3 connection is established through an Internet Protocol (IP) interface address at the originating MSS belonging to a set of configured IP interface addresses, and wherein the embedded security information and the anticipated security information are associated with the configured set of IP interface addresses.
7. (Original) The method of claim 1 wherein the Layer-3 connection is established to a terminating user belonging to a configured set of terminating users, and wherein the embedded security information and the anticipated security information are associated with the configured set of terminating users.

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8. (Original) The method of claim 1 wherein the Layer-3 connection is established through an Internet Protocol (IP) interface address at the terminating MSS belonging to a set of configured IP interface addresses, and wherein the embedded security information and the anticipated security information are associated with the configured set of IP interface addresses.

9. (Original) The method of claim 1 comprising the further steps of:

at the originating MSS, setting a value of a flag in the setup message to indicate that the setup message includes embedded security information;

at the terminating MSS, reading the value of the flag before extracting the embedded security information.

10. (Previously Presented) An originating multiservice switch (MSS) for establishing a secure Layer-3 connection across an ATM network to a terminating MSS, comprising a call control for generating a Layer-3 connection setup message including embedded security information, and for sending the setup message to the terminating MSS, wherein the embedded security information is compared with anticipated security information at the terminating MSS.

11. (Previously Presented) A computer-readable medium encoded with a computer program, the computer program comprising:

instructions for generating a Layer-3 connection setup message to be sent from an originating multiservice switch (MSS) to a terminating MSS; and

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instructions for embedding security information within the setup message, the security information compared with anticipated security information at the terminating MSS.

12. (Original) A terminating multiservice switch (MSS) for establishing a secure Layer-3 connection across an ATM network from an originating MSS, comprising:

stored anticipated security information;

means for querying a comparator of two pieces of security information; and

a call controller for receiving a Layer-3 connection setup message, for extracting embedded security information from the setup message, for querying the comparator to determine whether the embedded security information corresponds to the anticipated security information, and for establishing the Layer-3 connection in the event that the embedded security information corresponds to the anticipated security information.

13. (Previously Presented) A computer-readable medium encoded with a computer program, the computer program comprising:

instructions for receiving a Layer-3 connection setup message received from an originating multiservice switch;

instructions for extracting embedded security information from the setup message;

instructions for retrieving anticipated security information;

instructions for determining whether the embedded security information corresponds to the anticipated security information; and

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instructions for establishing a Layer-3 connection in the event that the embedded security information corresponds to the anticipated security information.

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### **IX. EVIDENCE APPENDIX**

A copy of the following evidence 1) entered by the Examiner, including a statement setting forth where in the record the evidence was entered by the Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied upon by the Examiner as to the grounds of rejection to be reviewed on appeal, is attached:

NONE

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#### **X. RELATED PROCEEDINGS APPENDIX**

Copies of relevant decisions in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE